

ORDINANCE NO. 09-61

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A TEMPORARY WAIVER OF PLAT. **PROPERTY LOCATED AT 3395 WEST 68 STREET, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of June 24, 2009 recommended approval of this ordinance; and

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby granted a variance permit to allow a temporary waiver of plat. Property located at 3395 West 68 Street, Hialeah, Miami-Dade County, Florida, zoned C-1 (Restricted Retail Commercial District), and legally described as follows:

PARENT TRACT

THAT PORTION OF THE SOUTH ½ OF TRACT 23, OF "CHAMBERS LAND COMPANY SUBDIVISION", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 68, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING IN THE SW ¼ OF SECTION 28, TOWNSHIP 52 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 28, THE STANDARD PLANE RECTANGULAR COORDINATES FOR THE EAST ZONE OF FLORIDA FOR SAID POINT BEING X=711739.45, Y=2563973.12; THENCE NORTH 89°36'02" EAST ALONG THE SOUTH LINE OF SAID SECTION 28 FOR 1649.45 FEET; THENCE NORTH 02°35'56" WEST ALONG THE EASTERLY LINE OF

SAID TRACT 23 AND ITS SOUTHERLY PROJECTION THEREOF FOR 50.04 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL OF LAND; THENCE SOUTH 89°36'02" WEST ALONG A LINE 50.00 FEET NORTH OF SAID SOUTH LINE OF SECTION 28 ALSO BEING ALONG THE NORTH RIGHT-OF-WAY LINE OF A 40' CANAL RIGHT-OF-WAY FOR 294.17 FEET TO THE POINT OF INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY OF NORTHWEST 92-97 AVENUE (CONNECTOR) PER MIAMI-DADE COUNTY CASE NO. 92-14130, SAID POINT ALSO BEING THE POINT OF CURVE OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST, THE CENTER OF WHICH BEARS SOUTH 58°07'55" EAST FROM THE RADIUS POINT; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CIRCULAR CURVE ALSO BEING THE EASTERLY RIGHT-OF-WAY LINE OF NORTHWEST 92-97 AVENUE (CONNECTOR), HAVING A RADIUS OF 1959.86 FEET, THROUGH A CENTRAL ANGLE OF 19°27'07", FOR AN ARC DISTANCE OF 663.67 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF THE SOUTH HALF OF THE AFOREMENTIONED TRACT 23; THENCE NORTH 89°36'01" EAST ALONG THE AFOREMENTIONED NORTH LINE OF THE SOUTH HALF OF SAID TRACT 23 FOR 17.28 FEET TO THE NORTHEAST CORNER OF SAID SOUTH ½ OF TRACT 23; THENCE SOUTH 02°35'56" EAST ALONG THE AFOREMENTIONED EAST LINE OF SAID TRACT 23 FOR 610.38 FEET TO THE POINT OF BEGINNING.

PROPOSED TRACT "A"

TRACT A, OF "MARCIA'S PLAZA SUBDIVISION", A
PLAT IN PROGRESS

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not

to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.


Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

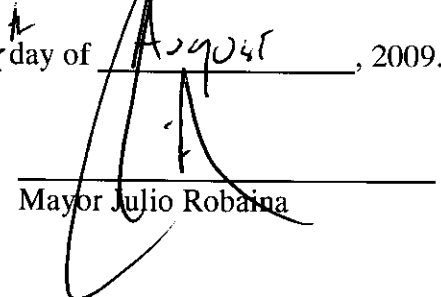
PASSED and ADOPTED this 25th day of August, 2009.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041

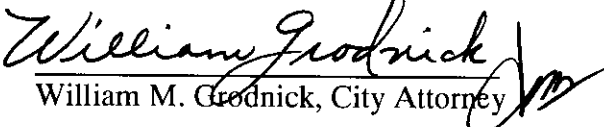
Attest: PRIOR TO FINAL READING Approved on this 26th day of August, 2009.


Rafael E. Granado, City Clerk


Carlos Hernandez
Council President


Mayor Julio Robaina

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney